

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JOHN BALLARD,**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**Case No. 86-CR-154-TCK**

**OPINION AND ORDER**

On February 8, 2010, Defendant John Ballard, a prisoner presently in federal custody at the Federal Correctional Institution -- Medium in Butner, North Carolina, filed a “motion to correct or void Petition to Enter Plea of Guilty and Order Entering Plea” (Dk. # 58). The record reflects that more than twenty-three (23) years ago, on February 4, 1987, while represented by counsel, Defendant entered his plea of guilty to the knowing transportation in interstate commerce of visual depictions of a minor engaged in sexually explicit conduct. He was sentenced to a five year term of probation. He did not challenge his conviction until 2002, or long after he had completed his term of probation, when he filed a motion to withdraw his guilty plea (Dkt. # 17). That motion was denied (Dkt. # 23).

In recent years, Defendant has continued to try, without success, to obtain relief from this conviction. On December 7, 2007, this Court denied Defendant’s petition for writ of error *coram nobis*. Dkt. # 31. On November 6, 2008, this Court denied Defendant’s petition for writ of error *audita querela*. Dkt. # 47. Defendant appealed both rulings and both were affirmed by the Tenth Circuit Court of Appeals (Dkt. #s 42 and 56).

In his most recent motion, Defendant claims that the “Petition to Enter Plea of Guilty and Order Entering Plea,” filed on February 4, 1987, is “rife with errors and incomplete.”<sup>1</sup> See Dkt. # 58. As a result, Defendant requests that the Petition to Enter Plea of Guilty be “corrected or voided.” Id. Significantly, however, Defendant fails to identify any authority providing jurisdiction for the Court to “correct or void” a plea of guilty more than twenty-three years after its entry and long after Defendant has discharged his sentence. In the absence of any authority providing a basis for the relief requested by Defendant, the Court finds the motion should be dismissed for lack of jurisdiction.

**ACCORDINGLY, IT IS HEREBY ORDERED** that Defendant’s “motion to correct or void Petition to Enter Plea of Guilty and Order Entering Plea” (Dk. # 58) is **dismissed for lack of jurisdiction.**

DATED THIS 20th day of May, 2010.

  
TERENCE C. KERN  
UNITED STATES DISTRICT JUDGE

---

<sup>1</sup>The Court notes that, in direct contrast to the assertions contained in Defendant’s most recent motion, the challenged Petition to Enter Plea of Guilty bears Defendant’s signature, attesting that he had “read, understood, and discussed with my attorney, each and every part of this Petition to Plead Guilty, and that the answers which appear in every part of this petition are true and correct.” See Petition to Enter Plea of Guilty, attachment 5 to Answer Brief filed by the United States in Tenth Circuit Case No. 08-5172.